

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1495**  
**96TH GENERAL ASSEMBLY**

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Reported from the Committee on Small Business, Insurance and Industry, April 19, 2012, with recommendation that the Senate Committee Substitute do pass.

5377S.03C

TERRY L. SPIELER, Secretary.

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**AN ACT**

To repeal section 375.993, RSMo, and to enact in lieu thereof one new section relating to fraudulent insurance acts.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 375.993, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 375.993, to read as follows:

375.993. 1. The department's papers, documents, reports, or evidence  
2 relative to the subject of an investigation under this section shall not be subject  
3 to public inspection for so long as the department deems reasonably necessary to  
4 complete the investigation and any subsequent legal action. Further, such  
5 papers, documents, reports, or evidence relative to the subject of an investigation  
6 under sections 375.991 to 375.994 shall not be subject to subpoena until opened  
7 for public inspection by the department, unless the department consents, or until,  
8 after notice to the department and a hearing, the court determines the  
9 department would not be unnecessarily hindered by such subpoena. Department  
10 investigators shall not be subject to subpoena in civil actions by any court of this  
11 state to testify concerning any matter of which they have knowledge pursuant to  
12 a pending insurance fraud investigation by the department.

13 2. No insurer, employees or agents of any insurer, or any other person  
14 acting without malice, shall be subject to civil liability **of any kind, including**  
15 for libel [or otherwise] **and slander** by virtue of the filing of reports or  
16 furnishing other information required by sections 375.991 to 375.994 or required  
17 by the department of insurance, financial institutions and professional

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

18 registration as a result of the authority granted in sections 375.991 to 375.994.  
19 **In addition, except when a person knowingly and intentionally**  
20 **communicates false information, no civil cause of action of any nature**  
21 **may arise against such person for any of the following:**

22       **(1) Any information relating to suspected or anticipated**  
23 **fraudulent insurance acts furnished to or received from law**  
24 **enforcement officials, their agents, and employees;**

25       **(2) Any information relating to suspected or anticipated**  
26 **fraudulent insurance acts furnished to or received from other persons**  
27 **subject to the provisions of sections 375.991 to 375.994 and this section;**

28       **(3) Any information relating to suspected or anticipated**  
29 **fraudulent insurance acts furnished in reports to a federal or state**  
30 **governmental agency or office, the National Association of Insurance**  
31 **Commissioners, the National Insurance Crime Bureau, or any other**  
32 **organization established to detect and prevent fraudulent insurance**  
33 **acts, or to their agents, employees, or designees, or a recognized**  
34 **comprehensive database system recognized by the department.**

35 **Nothing herein is intended to abrogate or modify in any way any**  
36 **common law or statutory privilege or immunity heretofore enjoyed by**  
37 **any person.**

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